

Please amend the following claims:

1. (Amended Twice) In an online comparison system, a method of ranking prospective merchants comprising:
 - receiving information related to a potential consumer purchase;
 - receiving a plurality of merchant comparison information data for a plurality of merchants capable of completing the potential consumer purchase, the merchant comparison information data for a merchant organized into a plurality of categories;
 - entering a set of weighting factors, the weighting factors corresponding to the categories of merchant comparison information data;
 - calculating a respective merchant data weight [result based on] resultant value by multiplying the weighting factor [as applied to] against the merchant comparison information data of the corresponding merchant data category;
 - calculating an aggregate score for the merchant by summing the calculated merchant data weight resultant values; and
 - ranking merchants based on the merchant aggregate score [of the weighting factors for a given merchant in comparison to the aggregate of weighting factors].

10. (Amended Twice) A system of providing comparisons between at least two products, comprising:
 - means for receiving a search query for a product;
 - means for retrieving from a database information on merchants offering to sell the product specified in the search query;
 - means for retrieving from a database merchant comparison information relating to the specified product and the merchants offering the specified product;
 - means for applying screening factors to the retrieved merchant and product information to remove those merchants from the ranking which correspond to the screening criteria;

means for [receiving] entering weighting factors corresponding to merchant and product information;

means for [applying] multiplying weighting factors [to] against the corresponding retrieved merchant and product information;

means for calculating a merchant aggregate value from the [application] multiplying of the weighting factors against the corresponding merchant and product information;

means for generating a ranking the merchants based on the merchant aggregate value;
and

means for providing the ranking to a consumer.

14. (Amended Twice) A method of ranking prospective merchants in an online comparison system, comprising the steps of:

receiving information relating to a user [specific] specified product;

retrieving a list of merchants from a database, wherein the list of merchants includes merchants offering the user specified product;

retrieving merchant specific information about [each merchant] the merchants in said list of merchants, said merchant specific information including a plurality of merchant data entry values;

entering a set of weighting factors;

applying weighting factors to said merchant specific information, said application including:

for a plurality of data entry values, multiplying at the data entry value by at least one weighting factor from set of weighting factors to calculate a merchant data weight resultant value;

summing a plurality of merchant data weight resultant values to calculate a merchant aggregate score

ranking said list of merchants carrying the user specified product based on the [application of the weighting factors to the merchant specific information] calculated merchant aggregate scores

36. (Amended Twice) A method of ranking merchants in an online comparison system, comprising:

entering a set of weighting factors, the weighting factors corresponding to categories of merchant comparison information, wherein the weighting factor is entered as a numerical value and represents the relative importance given the corresponding merchant comparison information in ranking the merchants;

entering a query specifying a product or service;

retrieving merchant comparison information data from a database, the retrieved merchant comparison information data corresponding to the entered query;

calculating a merchant score by [applying the entered weighting factors to the retrieved merchant information]

multiplying a weighting factor by a corresponding data value from the retrieved merchant information to calculate a weighted category score

summing the weighted category scores to calculate a merchant overall score;

and

ranking the merchants according to the calculated merchant overall score.[.]

39. (Amended Twice) A method of ranking merchants in an online comparison system, comprising:

selecting a weighting factor, the weighting factors corresponding to merchant comparison information;

entering a query specifying a product or service;

retrieving merchant comparison information from a database, the retrieved merchant comparison information corresponding to the entered query;

calculating a merchant score by: [applying]

(i) multiplying the selected weighting factor [to] by a data value from the retrieved merchant information to calculate a weighted category score, and

(ii) summing the weighted category scores to calculate the merchant score;

and

ranking the merchants according to the calculated merchant score.

RESPONSE

The present Request for Continued Examination cancelled prior pending claims 8, 17-19, 24-26, 29, 31-35, 48, and 50-55. Claims 1, 10, 14, 36 and 39 have been amended. Claims 1-7, 10-16, 20-23, 27-28, 30 and 36-47 are pending in the present application.

The Examiner noted Paper No. 6, mailed on 01/31/2001, in referring to correction of the drawings. Applicant's counsel has never received Paper No. 6, or any other communication referring to the drawings. Applicant respectfully requests this paper be resent to Applicant's counsel, and Applicant will promptly correct the drawing informalities.

Examiner objected to Claims 50 and 51, which referred to claim 49, while claim 49 was not pending in the application. Applicant apologizes for any confusion or inconvenience as a result of this omission and both claims 50 and 51 have been cancelled.

The fifth Office Action, mailed on March 25th, 2004, rejected claims 1-48 and 50-55 under 35 U.S.C. §103 as being unpatentable. Claims 1-3, 5-8, 10-18, 20-48 and 50-55 were rejected over BizRate.com. Claim 4 was rejected over BizRate.com in view of Guay [USP 6,321,218 B1]. Claim 19 was rejected over BizRate.com in view of Gupta [USP 6,199,079 B1].

Applicant respectfully contends that the claimed invention is patentable over BizRate.com and the other references cited in the fifth Office Action.

The present invention, as claimed, is substantially different from BizRate.com. Semantics aside, it is simply not possible to perform a comparison of merchants according to the claimed invention with BizRate.com or any obvious modification of BizRate.com. Below Applicant has included an example of the operation of one embodiment of the claimed invention to illustrate the differences.

INTERPRETAION OF THE CLAIMS

One point of contention that appears to be blocking this Application from moving through to issuance, based upon the fourth and fifth Office Actions and the Interview of November 12, 2003, is how the claims should be interpreted. To move this case forward, Applicant has amended the claims to clarify the claimed subject matter. Specifically, care has been given to remove the possibility that the claims will be interpreted in a way to read upon BizRate.com or the other references.

Applicant will point out that the BizRate.com reference does not give precise terms for what it does disclose. Often, there is no terminology given to the functional aspects of the cited web pages of BizRate.com. Even where terminology is given, it is often inconsistent and contradictory. This is not surprising, given that BizRate.com was created in the middle of the Internet bubble and, in the race to secure market share and page views, was likely created with some haste.

In contrast, the present application uses terms, such as weighting factors, merchant comparison information data, rank and scores, in a consistent and precise manner. The meaning of these terms, as defined in the specification, should not be overlooked. Specifically, "claims must be 'given their broadest reasonable interpretation consistent with the specification.'" [MPEP § 2111] Applicant respectfully contends the fifth Office Action does not properly take into account the meaning of terms as defined in the specification.

As an example, the specification defines a weighting factor as: "weighting factors, represented as percentage values reflecting the respective contribution of the corresponding

weighting factor data, are multiplied by their corresponding comparison information item.” (Specification, page 26).

“The broadest reasonable interpretation of the claims must also be consistent with the interpretation those skilled in the art would reach.” [MPEP § 2111] Applicant respectfully contends that the Office Action does not give the claims the meaning that one skilled in the art would reach upon reading the specification.

The Application is quite clear, as demonstrated by the excerpt of the Specification reproduced above, that weighting factors represent the relative importance of a category of merchant comparison information data. These weighting factors are multiplied against merchant comparison data to calculate a weighted comparison value. The merchant comparison information data is the actual data on the merchant or their product or services. (The Specification of the present Application includes numerous examples of merchant comparison information data such as price, time in business, survey response data to survey questions, and available methods of payment.) These weighted comparison values are then summed to calculate a merchant aggregate score. Represented as a formula:

$$\text{aggregate score} = (\text{weighting factor 1}) (\text{merchant data from category 1}) + (\text{weighting factor 2}) (\text{merchant data from category 2}) + \dots + (\text{weighting factor N}) (\text{merchant data from category N})$$

Rewriting this formula in a cleaner format:

$$\text{Merchant Score} = \text{WF}_1 \times (\text{Data 1}) + \text{WF}_2 \times (\text{Data 2}) + \dots + \text{WF}_3 \times (\text{Data 3})$$

The interpretation of the claims, upon referencing the cited portion of the specification, would be clear and straightforward to one of ordinary skill in the art referencing the present application.. As exemplified by claim 1, the present invention allows entering weighting factors (“entering a set of weighting factors”), these weighting factors corresponding to a category of merchant data (“the weighting factors corresponding to the

categories of merchant comparison information data”). The weighting factors are then multiplied against the comparison information data from the category the weighting factor corresponds to (“calculating a respective merchant data weight resultant value by multiplying the weighting factor against the merchant comparison information data of the corresponding merchant data category”). The merchant data weight resultant values are summed to calculate an aggregate score for the merchant (“calculating an aggregate score for the merchant by summing the calculated merchant comparison information data weight resultant values”). The aggregate scores of the merchants are then used to rank the merchants (“ranking merchants based on the merchant aggregate score”).

Applicant contends the broadest reasonable interpretation of the claims consistent with the specification and consistent with the broadest reasonable interpretation one of ordinary skill in the art would reach would include the limitation that the term weighting factors are multipliers multiplied against data to determine the relative importance of that data in the scoring and ranking of merchants.

The following example provides a working illustration of the claimed invention.

Example

Two Merchants, HiStore and LoStore, both sell the same item (not required, but it simplifies this example) an MP3 player. HiStore wants \$299.99 for the MP3 player, while LoStore will sell it for \$249.99. The two other categories of information used in this example for comparison are the time to deliver the product and the ease of returns. For time to deliver, HiStore reports 4 days while LoStore reports 13 days (the data on delivery could come from other sources or be aggregate times, or based upon inventory, but for simplicity this example uses reported delivery times by the merchant). For ease of returns, an independent reviewing firm gives HiStore an ease of return rating of 9.9 and LoStore an ease of return rating of 5.1. The ease of return rating supplied by the independent reviewing firm is compiled from surveys sent to customers of HiStore and LoStore in the present example.

The consumer wishing to purchase an MP3 player has entered weighting factors of 0.6 for price, 0.3 for ease of return and 0.1 for time to delivery. While there are multiple possible algorithmic formulas to implement this example, and many different conversion factors or units may be used to allow comparing of price to security or other dimensions, for illustration purposes the formula to give a merchant a score is:

$$\text{Merchant Score} = \text{WF}_{\text{price}} \times (\text{AVG} - \text{Price}) + \text{WF}_{\text{return}} \times (\text{return rating}) + \text{WF}_{\text{del}} \times (\text{T}_{\text{avg}} - \text{T})$$

Where AVG is the average price of all the merchants in the comparison, Price is the price of the merchant being scored in tens of dollars, T is the time to delivery and T_{avg} is the average time to delivery of the merchants in the comparison. Also, WF_{price} is the weighting factor for price, $\text{WF}_{\text{return}}$ is the weighting factor for return rating, and WF_{del} is the weighting factor for the time to delivery. Using these numbers we get for the first consumer:

For HiStore:

$$\text{Merchant Score} = 0.6 \times (27.499 - 29.999) + 0.3 (9.9) + 0.1 (10 - 4) = 2.07$$

For LoStore:

$$\text{Merchant Score} = 0.6 \times (27.499 - 24.999) + 0.3 (3.1) + 0.1 (10 - 16) = 1.83$$

Giving the merchant ranking for the first consumer:

1. HiStore

2. LoStore

Thus, given these weighting factors, HiStore receives a higher merchant score than LoStore, despite LoStore having a better price, and therefore would receive a higher ranking in the comparison performed by the embodiment of the present invention. HiStore's superior ease of return and better delivery time beat out the price advantage of LoStore. Had different

weighting factors been chosen, the outcome could be different. To illustrate this, a second consumer also shops for an MP3 player, and the system compares the same merchants HiStore and LoStore. But, the second consumer enters weighting factors of 0.7 for price, 0.1 for ease of return, and 0.2 for on time delivery. The respective merchants scores are then calculated giving:

For HiStore:

$$\text{Merchant Score} = 0.7 \times (27.499-29.999) + 0.1 (9.9) + 0.2 (10 - 4) = 0.45$$

For LoStore:

$$\text{Merchant Score} = 0.7 \times (27.499-24.999) + 0.1 (3.1) + 0.2 (10 - 16) = 0.85$$

Giving the merchant ranking for the second consumer:

1. HiStore
2. LoStore

Using this second set of weighting factors, the second consumer comes to a different result, LoStore receiving a higher score and a higher place in the ranking, using the same merchant comparison information data.

Note that the weighting factors are numerical weights (such as 0.7, 0.1 or 0.6) which correspond to categories of merchant comparison information data (such as price, time to delivery, or ease of return rating) and the weighting factors are multiplied against the corresponding merchant comparison information (such as \$249.99, 10 days or ease of return rating 3.1).

This example uses both objective data (price and time to delivery) and survey response data (ease of return rating) for merchant comparison information data. These categories of merchant comparison information data are then multiplied by their

corresponding weighting factors to calculate a merchant aggregate score, which is used in ranking the merchants.

THE BIZRATE.COM REFERENCE

Applicant will remind the Examiner that BizRate.com was known to Applicant at the time of filing the present Application. BizRate.com is referred to in the Background section of the present application.

Among the most significant failings of BizRate.com are 1) the lack of transparency into the importance of the categories of merchant information used in the comparison, and 2) the inability to modify or customize the importance placed on those categories. Below these failings are described separately, including how BizRate.com teaches away from the present invention.

First, and most critical, to making any progress in the present application is understanding what BizRate.com actually is and discloses.

Pages 13-14 of the BizRate.com reference illustrate the “‘Staff Reviewed’ (Silver) merchant ratings checklist.” As stated on page 13 “Merchants listed as ‘Staff Reviewed’ (and annotated with a [symbol]) have been shopped at and thoroughly reviewed using the following checklist for over 40 items.” Thus, pages 13-14 provide an example of what a staff reviewer would consider and the type of information they would collect in reviewing a merchant. Nowhere on either pages 13-14 is there any teaching or suggestion that grades may actually be entered. To the contrary, these pages are examples of the information staff reviewers consider and collect, and do not provide actual functionality that a consumer or anyone else may use to perform a ranking. BizRate.com refers to pages 13-14 as a “checklist” which indicates its lack of ability to input.

Pages 13-14 include multiple example dimensions to be included in a “Staff Reviewed” merchant evaluation. The ten dimensions listed on pages 13-14 include: price, product selection, product information, website aesthetics, website navigation, on-time delivery, product availability, customer support, ease of returns, and customer loyalty. Below

each rating dimension are a series of questions. Below these questions is the instruction “**Enter Grade (1-10):**”. Note that this instruction is exemplary, as there is no field to enter a value for a grade or ability to submit entered grades to the BizRate.com system.

The grade referred to is the reviewer’s subjective opinion of how the merchant scored on that dimension. For example, a staff reviewer may view the prices as good, and give a grade of 9. Staff reviewer could view the web site aesthetics as poor, and give a grade of 3 on the web site aesthetics dimension. (Note that any grade they give will not be entered in the pages 13-14, and may only be entered on paper and tabulated by hand, for all BizRate.com chooses to disclose.)

No mention is made on pages 13-14, or any other part of the BizRate.com reference, on if or how the grades are used to arrive at the ratings shown on page 3 of BizRate.com. In fact, it is entirely possible that the grades the Staff Reviewer tabulates are not used to calculate the rating, as BizRate.com does not explain its methodology and the grades may merely be guidelines which the Staff Reviewer may ignore when giving the final merchant score (more on the BizRate.com methodology below).

Pages 22-26 provide an example of a survey BizRate.com asks visitors to its site to participate in. This is a data collection system, collecting opinion data and answers to questions such as “What types of products did you purchase from B2C Online Merchant?” Nowhere within pages 22-26 is there any teaching or suggestion of the methodology BizRate.com uses to calculate merchant scores and ranks based upon the collected survey information from pages 22-26. Nowhere within pages 22-26 is there any teaching or suggestion that this data is directly used to calculate a score for the merchants.

The lack of any statement concerning the use of the information collected on pages 22-26 is best understood in the context of BizRate.com’s stated purpose. BizRate.com clearly states that its reason for operating the site is to “generate awareness for it’s **proprietary** customer satisfaction measurement technology” (Page 35, BizRate.com, emphasis added). Pages 22-26 are merely survey collection pages, and no indication is given on how that information is used in determining rankings or scores of merchants.

5th OFFICE ACTION'S CHARACTERIZATION OF BIZRATE.COM

The fifth Office Action asserts that “[a] merchant is evaluated under a plurality of weighting factors corresponding to a plurality of categories either by customers or BizRate.com staff as shown in pages 13-14 and 22-25.” (Office Action page 3.) This assertion is made in the rejection of all five pending independent claims (claims 1, 10, 14, 36 and 39).

Comparing BizRate.com to the terminology of the present application, the ten “dimensions” of BizRate.com correspond to categories of merchant comparison information data used in the present application. The “grade” a consumer or staff reviewer enters or gives corresponds to the merchant comparison information data of the present application (such as price or ease of return rating in the example of the present invention shown above).

Thus, the Office Action’s contention that weighting factors may be entered is factually incorrect, as the only values that may be entered on the cited pages of BizRate.com are grades which ARE NOT equivalent to weighting factors. The grades entered in BizRate.com are a form of merchant comparison information, and not a form of weighting factor. The grades are a form of data on the merchant, however subjective, and represent a reviewers subjective opinion on that aspect of a merchant.

Logically, if the grades correspond to merchant comparison information data, there is no equivalent to weighting factors disclosed in BizRate.com. BizRate.com does not teach or suggest the ability to multiply comparison information by a numerical value to change the relative importance that comparison information has in scoring or ranking merchants. Certainly, there is no ability to enter weighting factors, as the only values which may be entered on pages 13-14 and 22-26 are grades, which are a form of merchant comparison information data.

Independent claims 1, 10, 14, 36 and 39 were all¹ rejected by the argument that BizRate.com disclosed the entering of weighting factors. Accordingly, then entire argument presented in the fifth Office Action for obviousness of the claimed invention fails as the

Office Action's flawed interpretation of grades as weighting factors was used to reject all the independent claims pending in the present application.

TEACHINGS OF BIZRATE.COM

At this point the Response has overcome the rejection and the application should be passed though to allowance. However, to attempt to prevent additional misinterpretations of the claims or the cited references, Applicant will provide further discussion to further clarify how different the BizRate.com reference is from the claimed subject matter, and how one of ordinary skill in the art would not consider it obvious to modify BizRate.com in a manner to read on the pending claims.

As stated above, BizRate.com has significant failings which are both known in the art and which illustrate that BizRate.com is significantly different from the claimed invention. These failings of BizRate.com are 1) the lack of transparency into the importance of the categories of merchant information used in the comparison, and 2) the inability to modify or customize those factors. Applicant believes understanding these failings is central to understanding how one of ordinary skill in the art referencing BizRate.com would interpret BizRate.com as teaching away from the present invention.

1) Lack of Transparency

A consumer using BizRate.com has no idea what the relative importance of the various categories (called dimensions within BizRate.com) used to score or rank merchants. The consumer does not even know whether BizRate.com uses consistent weights when comparing different merchants, when comparing merchants at different times (as when a consumer later returns to the BizRate.com site to follow up on prior comparisons) or whether BizRate.com even uses relative weights (given that survey response data is often interpreted by experts, rather than used in formulas to derive results). BizRate.com is silent on how the entered grades are used to derive scores or rank merchants.

This silence is not an oversight. BizRate.com clearly states that its reason for operating the site is to "generate awareness for its **proprietary** customer satisfaction

measurement technology” (Page 22, BizRate.com, emphasis added). One of ordinary skill in the art would recognize that BizRate.com is keeping confidential the methodology it uses to generate overall scores and rank merchants, and it is doing this as the PRIMARY business reason of keeping its main product, its proprietary methodology, secret and unknowable.

Thus, one of ordinary skill in the art referencing BizRate.com would:

- not know the relative importance of the dimensions in generating the overall ratings,
- not know the relative importance of the dimensions in ranking the merchants,
- not know whether the dimensions are used in a strict algorithm or whether the dimension are used as a general guide (whereby a person may give an overall rating based upon subjective interpretation), and

- not know when or how the relative importance of dimensions is varied to interpret the survey response in determining ratings and rankings for the merchants.

Thus, one of ordinary skill in the art referencing BizRate.com would recognize BizRate.com as teaching secrecy in determining scores and ranking. One of ordinary skill in the art would recognize and understand that BizRate.com is hiding its methodology to preserve its “**proprietary** customer satisfaction measurement technology.” This teaches one of ordinary skill in the art that the value in a comparison system is in protecting proprietary technology for sale in other venues, and teaches to hide such methodology from consumers.

The present invention seeks to overcome this limitation and provide a transparent, repeatable and verifiable way to rate and score merchants. Essentially, the present invention is the polar opposite of BizRate.com. Where BizRate.com teaches hiding the present invention provides the ability to view the inner workings of the ranking by allowing the weighting factors to be entered.

2) Lack of Customizability

Not only does BizRate.com not provide transparency into the methodology used to rank the merchants, but it also does not allow consumers to customize the methodology used in scoring or ranking. Again, this is not an oversight. BizRate.com is a showcase for proprietary customer survey information, and BizRate.com has no intention of giving others

the ability to take control of the methodology and obtain their own results. To the contrary, as a showcase BizRate.com maintains tight controls on what consumers can and can not do. BizRate.com reserves to itself as the final arbiter of what is and is not important in evaluating merchants, and keeps that information to itself (with the hope of selling services based upon that proprietary information).

One of ordinary skill in the art referencing BizRate.com would recognize the lack of customizability and recognize that it is central to BizRate.com's purpose and strategy. To one of ordinary skill in the art, BizRate.com teaches away from customizability of the ranking methodology. Certainly, if BizRate.com is unwilling to disclose its "**proprietary** customer satisfaction measurement technology" it would not be obvious for one of ordinary skill in the art to consider modifying "**proprietary** customer satisfaction measurement technology." As BizRate.com is keeping its methodology "**proprietary**" it would not be obvious how to modify such methodology one of ordinary skill in the art, given that one of ordinary skill in the art would not know the details of the methodology.

In contrast the present invention, as claimed, allows consumers to specify or alter the relative importance of data categories used in comparison and ranking merchants. This is done by entering or changing the weighting factors as claimed in all of the independent claims of the present application.

INDUSTRY RECOGNITION OF BIZRATE'S SHORTCOMINGS

The deficiencies and teachings of BizRate.com are well known and recognized in the industry. Actually, these deficiencies and teachings are known beyond the industry and are becoming part of the general understanding of BizRate.com and other comparison systems.

As recently as July 26th, 2004 the Wall Street Journal reported "Each site determines placement a little differently. They all use an algorithm that considers things such as price and availability when determining the order in which they list products. But many sites add vendor fees into the mix. If Bizrate's algorithm ranks two or more stores equally, for

example, paying merchants are ranked higher." (Page R9.) Thus, it is well known in the industry that BizRate.com purposefully hides the methodology it uses to rank merchants, and that this is done to allow BizRate.com to improve the ranking of its paying customers (merchants). One of ordinary skill in the art referencing BizRate.com would know of this persistent problem (which has been known since the earliest days of comparison shopping systems) and recognize that BizRate.com teaches away from the present invention's claimed features of providing consumers with the ability to view and control the relative importance of different categories of comparison information by allowing them to enter their own weighting factors.

CONCLUSION

The latest Office Action represents the fifth Office Action received in the present application. While it and the fourth Office Action were of noticeably higher quality than the prior three, there is a central theme that runs through all of these Office Actions. That theme is the continued miss-statement of the prior art references. The present Office Action makes the claim that BizRate.com teaches using weighting factors and allowing consumers to enter and change weighting factors. As the above response has shown, this is not even close to the truth.

The fourth Office Action made a similar claim that BizRate.com used weighting factors. Applicant amended the claims to clearly distinguish that there was no entering of weighting factors, and Applicant left to a future continuation the task of demonstrating that no weighting factors were in fact taught or disclosed by BizRate.com. This was done in the hopes of speeding the issuance of the present application (and based upon Applicant's belief that the Office sufficiently understood the BizRate.com reference based upon the interview of November 12, 2003).

The first three Office Actions miss-stated other references, claiming they provided ranking of merchants when, in fact, they did not. The Office has since withdrawn all of the

references of the first three Office Actions in recognition that the art did not disclose what the Office claimed.

Applicant respectfully requests that the pattern of bringing forth art and miss-stating what it discloses come to an end. Applicant has amended the claims in this RCE to remove any ambiguity in the potential meaning of the claims. Specifically, the applicant has amended all of the independent claims currently pending to clarify that weighting factors are multiplied against the comparison information data, and that the product of this multiplication is summed to produce a score for the merchant. This score is then used to determine the ranking of the merchants. Additionally, independent claim 36 has also been amended to further specify that the entered weighting factor is a numerical value entered to represent the relative importance the comparison information data to be multiplied by the weighting factor is given in scoring and ranking the merchant. All the other claims pending in the present application depend from these claims and therefore distinguish over the cited references.

The claims, as amended, are focused on a merchant comparison system which provides the ability to enter weighting factors to determine the relative importance each category of data has when the system determines a ranking of the most appropriate merchant. There is no reference cited in this Application which discloses such a system. There is no reference cited which discloses the ability to enter weighting factors to influence the relative importance categories of comparison information are given in a comparison system. The BizRate.com reference is substantially different in its approach and objectives. One of ordinary skill in the art would recognize these differences. These differences teach one of ordinary skill in the art away from the present invention, as claimed. One of ordinary skill in the art would not consider the present application, as claimed, obvious in view of BizRate.com or the other cited references.

Applicant respectfully requests this pattern end, that the art be recognized for what it really is, that the claims be read in light of the specification, and the present Application be passed through to allowance.

Respectfully submitted,

Dated: August 25, 2004

By: Sean M. Fitzgerald
Sean M. Fitzgerald
Registration No. 42,537

3182 Campus Drive, #342
San Mateo, California 94403-3123
Telephone: 650-430-1717